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10/045,745	11/07/2001	Vishwajith Kumbalimutt	213198	9685

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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/045,745

**Applicant(s)**

KUMBALIMUTT ET AL.

**Examiner**

Victor Lesniewski

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 15-20 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-20 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed 9/22/2006 has been placed of record in the file.
2. Claims 1, 2, 4, 15, 26, and 30 have been amended.
3. The rejection of claims 2 and 15-20 under 35 U.S.C. 101 is withdrawn in view of the amendment.
4. Claims 1-8, 15-20, and 26-30 are now pending.
5. The applicant's arguments with respect to claims 1-8, 15-20, and 26-30 have been considered but are moot in view of the following new grounds of rejection.

### ***Response to Amendment***

6. Claims have been amended to show the use of network devices other than the client computer. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state monitoring the computer network to detect network conditions of network devices other than the client computer. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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8. Claims 1-8, 15-20, and 26-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

9. Claims 1-8, 15-20, and 26-30 recite monitoring the computer network to detect network conditions of network devices other than the client computer. The ability to detect network conditions of network devices other than the client computer is seen as new matter that is not supported in the specification. The applicant's specification appears to be directed to detecting the presence of access control lists in a management database and it is not seen how this relates to network conditions of network devices. See page 28, line 14 through page 29, line 6 of the specification. Furthermore, the additional discussion of monitoring throughout the specification does not appear to support detecting network conditions of network devices, but only monitoring a management database on the server.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1, 2, 4, 5, 8, 15-18, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (U.S. Patent Number 7,023,989), hereinafter referred to as Turner, in view of Hubbard (U.S. Patent Number 6,963,897).

12. Turner disclosed a method for allowing configuration settings for applications on remote servers to be automatically downloaded to network-enabled user interface devices so that the user may utilize the applications or various communications services. In an analogous art, Hubbard disclosed a customer service system that utilizes a server to identify capabilities of client devices in the network.

13. Concerning claims 1, 15, and 30, Turner did not explicitly state monitoring the computer network to detect network conditions of network devices other than the client computer. Although Turner does teach monitoring a network to detect different network conditions across the network, he is not explicit about conditions of network devices themselves. However, detecting conditions of network devices was well known in the art at the time of the applicant's invention as evidenced by Hubbard whose system monitors the network to identify capabilities of various network devices. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Turner by adding the ability to monitor the computer network to detect network conditions of network devices other than the client computer as provided by Hubbard. Here the combination satisfies the need for an arrangement that enables a telephony device to independently access any one of multiple servers within an IP network for respective subscriber services. See Turner, column 2, lines 22-25. This rationale also applies to those dependent claims utilizing the same combination.

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14. Concerning claims 5 and 18, Turner did not explicitly state that the settings include the network address of the server. However, Turner does disclose that the network address of the server is maintained at the client device. See column 7, lines 53-56. It is clear that Turner's device manager must know the network address so that the device can communicate with the proper server and thus it would be a clear extension of Turner's system to include the network address of the server in the settings. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Turner by adding the ability for the settings to include the network address of the server. Again this satisfies the need for an arrangement that enables a telephony device to independently access any one of multiple servers within an IP network for respective subscriber services. See Turner, column 2, lines 22-25.

15. Thereby, the combination of Turner and Hubbard discloses:

- <Claim 1>

A method for ensuring that a client computer on a computer network is properly configured for real-time communication, the method comprising: receiving, from the client computer, a request to be notified when network conditions require a change in configuration settings of the client computer, wherein the configuration settings of the client computer allow the client computer to engage in real-time communication over the computer network (Turner, column 7, lines 50-58); monitoring the computer network to detect network conditions of network devices other than the client computer that require a possible change in the configuration settings of the client computer (Turner, column 7, lines 59-63 and column 2, lines 47-57, and Hubbard, column 5, lines 17-33); and when a network condition that requires a change in the configuration settings of the client

computer is detected, generating new configuration settings for transmission to the client computer without the need for the client computer to initiate the transmission; and transmitting the new configuration settings to the client computer so that the client computer can update its configuration settings with the new configuration settings to engage in real-time communication over the computer network with the detected network conditions and so that the new configuration settings are automatically transmitted to the client computer without the need for the client computer to initiate the transmission (Turner, column 7, line 64 through column 8, line 24; column 6, line 65 through column 7, line 27; and column 2, lines 47-57).

- <Claim 2>

A computer storage medium having stored thereon computer executable instructions for performing the method of claim 1 (Turner, column 7, lines 45-49).

- <Claim 4>

The method of claim 1, wherein monitoring the network includes monitoring a database comprising configuration settings for allowing computers on the computer network to conduct real-time communication (Turner, figure 2, item 40), wherein the database is distinct from the client computer (Hubbard, figure 1B, item 124).

- <Claim 5>

The method of claim 1, wherein the configuration settings include the network address of the server computer that the client computer needs to contact in order to set up a real-time communication session (Turner, column 7, lines 53-56 and obviousness).

- <Claim 8>

The method of claim 1, wherein the client computer is currently configured for real-time communication according to a set of old configuration settings, and wherein the transmitting step comprises transmitting to the client computer changes that are to be made to the old configuration settings in order to derive the new configuration settings (Turner, column 6, lines 40-53).

- <Claim 15>

A system for facilitating real-time communication in a computer network, the system comprising: a client computer executing one or more programs for performing steps comprising engaging in real-time communication on the computer network (Turner, figure 1, item 12); at least one computer storage medium having stored thereon a database, the database comprising configuration settings for allowing computers on the computer network to conduct real-time communication (Turner, figure 2, item 40), wherein the database is distinct from the client computer (Hubbard, figure 1B, item 124); a server computer communicatively linked to the client computer, the computer storage medium being accessible by the server computer (Turner, column 4, lines 60-65), the server computer executing one or more programs for performing steps comprising monitoring the computer network to detect network conditions of network devices other than the client computer that require a possible change in the configuration settings of the client computer (Turner, column 7, lines 59-63 and column 2, lines 47-57, and Hubbard, column 5, lines 17-33), when a network condition that requires a change in the configuration settings of the client computer is detected, generating new configuration



settings for transmission to the client computer without the need for the client computer to initiate the transmission, and in response to the detecting step, transmitting the new configuration setting to the client computer over the computer network, so that the client computer can update its configuration settings with the new configuration settings to engage in real-time communication over the computer network with the detected network conditions and so that the new configuration settings are automatically transmitted to the client computer without the need for the client computer to initiate the transmission (Turner, column 7, line 64 through column 8, line 24; column 6, line 65 through column 7, line 27; and column 2, lines 47-57).

- <Claim 16>

The system of claim 15, wherein the database is part of a directory service having information as to the layout of the network, and wherein the configuration settings are based at least in part of the layout of the network (Turner, column 4, lines 24-29).

- <Claim 17>

The system of claim 15, wherein the one or more programs executing on the client computer perform further steps comprising transmitting a request for the latest version of the configuration settings to the server computer (Turner, column 4, lines 49-55).

- <Claim 18>

The system of claim 15, wherein the configuration settings include the network address of a server that the one or more programs executing on the client should use to engage in real-time communication on the network (Turner, column 7, lines 53-56 and obviousness).

- <Claim 30>

A system for configuring a computer for real-time communication on a computer network, the system comprising a means for generating, for transmission from a client computer to a server computer, a request that the client computer be updated whenever network conditions require a change in configuration settings of the client computer, wherein the configuration settings of the client computer allow the client computer to engage in real-time communication over the computer network (Turner, column 7, lines 50-58); a means for monitoring conditions on the network to detect network conditions of network devices other than the client computer that require a possible change in the configuration settings of the client computer (Turner, column 7, lines 59-63 and column 2, lines 47-57, and Hubbard, column 5, lines 17-33); a means for generating new configuration settings for transmission to the client computer without the need for the client computer to initiate the transmission when a network condition that requires a change in the configuration settings of the client computer is detected, and a means for generating for transmission from the server computer to the client computer, the new configuration settings as part of a protocol normally used by both the server computer and the client computer to structure real-time communication between the client computer and computers with which the client computer communicates so that the client computer can update its configuration settings with the new configuration settings to engage in real-time communication over the computer network with the detected network conditions and so that the new configuration settings are automatically transmitted to the client computer without the need for the client computer to initiate the transmission

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(Turner, column 7, line 64 through column 8, line 24; column 6, line 65 through column 7, line 27; and column 2, lines 47-57).

Since the combination of Turner and Hubbard discloses all of the above limitations, claims 1, 2, 4, 5, 8, 15-18, and 30 are rejected.

16. Claims 6, 7, 19, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Hubbard, as applied above, further in view of Handley et al. (RFC 2543, SIP: Session Initiation Protocol), hereinafter referred to as Handley.

17. The combination of Turner and Hubbard disclosed a method for allowing configuration settings for applications on remote servers to be automatically downloaded to network-enabled user interface devices so that the user may utilize the applications or various communications services. In an analogous art, Handley disclosed a signaling protocol for creating, modifying, and terminating sessions such as Internet multimedia conferences and Internet telephone calls.

18. Concerning claims 6, 19, 20, and 28, the combination of Turner and Hubbard did not explicitly state generating messages concerning the configuration settings using a session initiation protocol. Turner's system does utilize SIP for communications between the client and servers, but there is no explicit discussion of the actual generation of messages with SIP.

However, SIP was well known in the art at the time of the applicant's invention as evidenced by Handley who discusses in detail how messaging with the protocol works. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Turner and Hubbard by adding the ability to generate messages concerning the configuration settings using a session initiation protocol as provided by Handley. Here the

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combination satisfies the need for a more advanced protocol with session descriptions that allows clients to agree on a set of compatible media types. See Handley, page 1 of 105, last paragraph.

19. Thereby, the combination of Turner, Hubbard, and Handley discloses:

- <Claim 6>

The method of claim 1, wherein the transmitting step comprises: inserting the new configuration settings into a message formatted according to a session initiation protocol (Turner, column 4, lines 19-24 and Handley); and transmitting the message to the client computer (Turner, column 7, lines 59-63).

- <Claim 7>

The method of claim 6, wherein the inserting step comprises inserting into the message a block of mark-up language text that includes the new configuration setting (Turner, column 5, lines 39-50).

- <Claim 19>

The system of claim 15, wherein the one or more programs executing on the server computer perform further steps comprising: generating a message formatted according to a session initiation protocol (Turner, column 4, lines 19-24 and Handley); and including the new configuration setting within the message, and wherein the transmitting step comprises transmitting the message to the client computer (Turner, column 7, lines 59-63).

- <Claim 20>

The system of claim 15, wherein the one or more programs executing on the client computer perform further steps comprising generating a message formatted according to

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a session initiation protocol (Turner, column 4, lines 19-24 and Handley); inserting a request to obtain the new configuration setting into the message; and transmitting the message to the server computer (Turner, column 4, lines 49-55).

- <Claim 28>

The system of claim 30, further comprising: a server computer executing one or more programs performing steps comprising: communicating with the client computer according to a session initiation protocol (Turner, column 4, lines 19-24 and Handley); and transmitting to the client computer, the configuration document as part of a message formatted according to the session initiation protocol (Turner, column 7, lines 59-63).

Since the combination of Turner, Hubbard, and Handley discloses all of the above limitations, claims 6, 7, 19, 20, and 28 are rejected.

20. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Hubbard, as applied above, further in view of Rosenberg et al. (An XML Format for Presence Buddy Lists), hereinafter referred to as Buddy.

21. The combination of Turner and Hubbard disclosed a method for allowing configuration settings for applications on remote servers to be automatically downloaded to network-enabled user interface devices so that the user may utilize the applications or various communications services. In an analogous art, Buddy disclosed a useful format for tracking presence in a network using buddy lists.

22. Concerning claims 26 and 27, the combination of Turner and Hubbard did not explicitly state the use of permission lists that indicate the extent to which other users may monitor or

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contact an associated user. However, buddy lists were well known in the art at the time of the applicant's invention as evidenced by Buddy. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Turner and Hubbard by adding the ability to use permission lists that indicate the extent to which other users may monitor or contact an associated user as provided by Buddy. Here the combination satisfies the need for a more flexible network where users can access their presence services from any machine. See Buddy, page 2 of 9, paragraph 3.

23. Thereby, the combination of Turner, Hubbard, and Buddy discloses:

- <Claim 26>

The system of claim 30 wherein the new configuration settings include a configuration document that contains a list of users and an indication of the extent to which each of the users and groups of users is permitted to monitor the presence of the user of the client computer (Buddy).

- <Claim 27>

The system of claim 30, wherein the new configuration settings include a configuration document that contains a list of other users and groups of users and an indication of the extent to which each of the users and groups of users is permitted contact, via real time communication, the user of the client computer (Buddy).

Since the combination of Turner, Hubbard, and Buddy discloses all of the above limitations, claims 26 and 27 are rejected.

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24. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Hubbard, in view of Handley, as applied above, further in view of Buddy.

25. The combination of Turner, Hubbard, and Handley disclosed a method for allowing configuration settings for applications on remote servers to be automatically downloaded to network-enabled user interface devices so that the user may utilize the applications or various communications services. In an analogous art, Buddy disclosed a useful format for tracking presence in a network using buddy lists.

26. Concerning claim 29, the combination of Turner, Hubbard, and Handley did not explicitly state the use of permission lists that indicate the extent to which other users may monitor or contact an associated user. However, Buddy clearly defines a buddy list that offers these features as discussed above in relation to claims 26 and 27. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Turner, Hubbard, and Handley by adding the ability to use permission lists that indicate the extent to which other users may monitor or contact an associated user as provided by Buddy. Again the combination satisfies the need for a more flexible network where users can access their presence services from any machine. See Buddy, page 2 of 9, paragraph 3.

27. Thereby, the combination of Turner, Hubbard, Handley, and Buddy discloses:

- <Claim 29>

The system of claim 30, further comprising: a server computer executing one or more programs for performing steps comprising: receiving a first message from the client computer, the message including the identity of a user of the client computer (Turner, column 7, lines 50-58); retrieving information as to the extent to which individuals or

groups of individuals are permitted to monitor the presence of the user on the computer network and to contact the user via real-time communication (Buddy); transmitting the information to the client computer in the form of mark-up language text as part of a second message formatted according to a session initiation protocol (Turner, column 5, lines 39-50, and Turner, column 4, lines 19-24 and Handley); wherein the one or more program executed by the client computer perform further steps comprising: transmitting the first message to the server computer in the form of a session initiation protocol message (Turner, column 4, lines 19-24 and Handley).

Since the combination of Turner, Hubbard, Handley, and Buddy discloses all of the above limitations, claim 29 is rejected.

28. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Hubbard, as applied above, further in view of Rosenberg et al. (SIP Extensions for Presence Authorization), hereinafter referred to as Presence.

29. The combination of Turner and Hubbard disclosed a method for allowing configuration settings for applications on remote servers to be automatically downloaded to network-enabled user interface devices so that the user may utilize the applications or various communications services. In an analogous art, Presence disclosed a SIP extension for authorizing a client's subscription in a network.

30. Concerning claim 3, the combination of Turner and Hubbard did not explicitly state receiving a subscribe message formatted according to a session initiation protocol wherein the subscribe message includes a request for a user's profile. However, Presence defines SIP



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extensions for using subscribe messages and authorizing the user of the client computer. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Turner and Hubbard by adding the ability to receive a subscribe message formatted according to a session initiation protocol wherein the subscribe message includes a request for a user's profile as provided by Presence. Here the combination satisfies the need for the ability to determine whether or not a subscription request will be authorized in a network. See Presence, page 2 of 10, paragraph 1.

31. Thereby, the combination of Turner, Hubbard, and Presence discloses:

- <Claim 3>

The method of claim 1 wherein the receiving step comprises: receiving a subscribe message formatted according to a session initiation protocol (Turner, column 2, lines 22-25; column 4, lines 19-24; and Presence, page 3 of 10, paragraph "When the...this specification."); wherein the subscribe message identifies the user that is operating the client computer and wherein the message includes a request for that user's profile and wherein the profile indicates how the computer should be conducting real-time communication over the network (Turner, column 7, lines 50-58; column 2, lines 47-57; and Presence, page 2 of 10, paragraph 4).

Since the combination of Turner, Hubbard, and Presence discloses all of the above limitations, claim 3 is rejected.

*Conclusion*

32. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Salesky et al. (U.S. Patent Number 6,343,313) disclosed a computer conferencing system with real-time scalability.
- Ogdon et al. (U.S. Patent Number 6,598,075) disclosed a presentation system for distributing a performance of a presentation synchronously to a plurality of client nodes on a network.
- Sanjeev et al. (U.S. Patent Number 7,093,006) disclosed a method of dynamically configuring access to services between a remote communications node and a remote communications device.

33. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

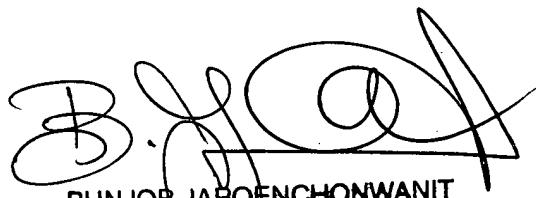
The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER